DOCKET NO.: 302730.01 / MSFT-1752
Application No.: 10/646,645
Office Action Dated: March 22, 2007

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Claims 1-30 were rejected under 35 U.S.C. § 101 because the claimed invention as stated in the office is directed to non-statutory subject matter. Claims 1-30 were also rejected under 35 U.S.C. § 102(b) as being anticipated by Bernstein et al. ("The Microsoft Repository", Proceedings of the 23rd VLDB Conference, 1997). Applicants respectfully traverse the rejections. Applicants further submit that no new matter was introduced in the amendment to the claims.

Interview Summary

Applicants' representative, Mr. Eiferman, and Examiner Mark Radtke participated in a telephonic interview on June 27, 2007 to discuss the above claim amendments. Agreement was reached.

Claim Rejection under 35 U.S.C. § 101

Claims 1-30 were rejected under 35 U.S.C. § 101 because the claimed invention was stated to be directed to non-statutory subject matter. Independent claims 1, 11 and 21 have been amended to further clarify the claims. As amended, claims 1-30 are believed to be in condition to overcome the noted 35 U.S.C. § 101 rejection. For example, independent claim 1 now recites a method for manipulating Items which includes associating each of the Items with one or more Relationships, with the Relationships including Holding Relationships that control the lifetime of a target Item and Embedding Relationships that enable modeling of compound Items. If a Holding Relationship is associated between the source Item and the target Item the lifetime of the target item is determined based on an associated reference count and the target Item is stored based on the lifetime that has been determined. A Holding Relationship between the source Item and the target Item is prevented if an Embedding Relationship currently exists between the source Item and the target Item. It is believed that independent claim 1 as amended recites a useful process under 35 U.S.C. § 101, each of the recited elements of claim 1 is concrete and not an abstract idea and the method provides the useful result of establishing Relationships between the plurality of Items within the computer system as now claimed. The recited items of associating, determining and preventing are all

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properly recited and statutory. Independent claim 11 is also amended to recite similar features in compliance with 35 U.S.C. § 101.

Independent claim 21 has also been amended to clarify the claims in view of the Examiner's comments, as amended they are also believed to claim statutory subject matter and are thus also believed to be in condition to overcome the noted rejection. In particular, independent claim 21 now recites a computer system comprising a processor, a memory, and a hardware/software interface system.

Claim Rejection under 35 U.S.C. § 102

Claims 1-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bernstein et al. ("The Microsoft Repository", Proceedings of the 23rd VLDB Conference, 1997).

Claim 1 as amended now recites "**...associating each of said Items with one or more relationships, the one or more relationships including Holding Relationships that control the lifetime of a target Item and Embedding Relationships that enable modeling of compound Items...**" Support for this amendment can be found in FIG. 12 and the accompanying discussion found in paragraphs 120-121 in the application. The cited Bernstein reference fails to teach or suggest such Holding and Embedding Relationships including in the discussion of the "delete propagation flag" discussed in page 7 (note, not 9 as mentioned in the office action), left column, paragraph 2, lines 3-9 of Bernstein et al. . Claim 1 also now recites "**...preventing a Holding Relationship between the source Item and the target Item if an Embedding Relationship currently exists between the source Item and the target Item, in order to establish the relationships between the plurality of Items within the computer system**". The cited Bernstein reference completely fails to teach or suggest such a feature, as such it is believed that claim 1 is not anticipated or rendered obvious by the cited Bernstein et al. reference and is believed to be in condition for allowance. Dependent claims 2-10 which add further nonobvious features are also believed to be in condition for allowance.

Independent claim 11 also now recites "**..-Holding relationships that control the lifetime of a target Item and Embedding Relationships that enable modeling of compound Items...**" as discussed above, this is a limitation that is neither taught or suggested by the cited Bernstein et al. reference and as such claim 11 is believed to be in

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condition for allowance. Dependent claims 12-20 which depend on claim 11 are also believed to be in condition for allowance. Independent claim 21 also recites that **"... the plurality of Relationships including Holding Relationships that control the lifetime of a target Item and Embedding Relationships that enable modeling of compound Items ..."** and that **"...and a Holding Relationship is prevented from being formed between the source Item and target Item if an Embedding Relationship is currently associated between the source Item and the target Item..."** features which again are neither taught or suggested by the cited reference. Given this, claims 21-30 are also believed to be in condition for allowance.

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Conclusion

In view of the above amendments and remarks, applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application is respectfully requested.

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